



JW

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Zatezalo et al.) Conf. No.: 1195
Serial No. 10/698,047) Art Unit: 3737
Filed: October 3, 2003) Examiner: Jennifer A. Horwat
For: FLUID INJECTION SYSTEM PROVIDING)
VISUAL STIMULI)

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

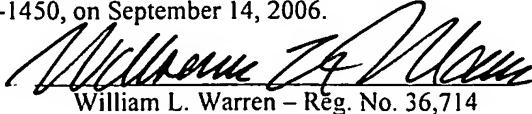
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Supplemental Information Disclosure Statement (“IDS”) is being filed to comply with 37 CFR §1.56, §1.97, and §1.98, and provide the Patent Office with litigation-related documents and the identification of references cited therein by the parties to the litigation entitled *Tyco Healthcare Group LP, Mallinckrodt, Inc., Liebel-Flarsheim Co., and Nemoto Kyorindo Co., Ltd. v. Medrad, Inc.* This case is pending before the United States District Court for the Southern District of Ohio and bears Case No. 1:04cv773 (hereinafter “Ohio Litigation”). The litigation concerns declaratory judgments for non-infringement, the accused infringement by Tyco Healthcare Group LP, Mallinckrodt, Inc., Liebel-Flarsheim Co., and Nemoto Kyorindo Co., Ltd., and invalidity contentions.

The patents involved in the litigation are: U.S. Patent No. 6,643,537 (“the ‘537 patent”), United States Patent No. 6,339,718 (“the ‘718 patent”), United States Patent No. 6,336,913 (“the ‘913 patent”), United States Patent No. 6,676,634 (“the ‘634 patent”), United States Patent No.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 14, 2006.



William L. Warren – Reg. No. 36,714

In re Application of: Zatezalo et al.
Serial No.: 10/698,047
Filing Date: October 30, 2003
Supplemental IDS

6,743,205 (“the ‘205 patent”), and United States Patent No. 6,726,657 (“the ‘657 patent”) (collectively referred to as “patents-in-suit”). This litigation is relevant to the current application because this application is a continuation application of the ‘537 patent, which is also a continuation-in-part application of the ‘718 patent.

Applicants respectfully submit that the references and any litigation related documents and/or materials are made of record to assist the Examiner in the examination of the above-identified application. The Examiner is respectfully requested to fully consider the items and to independently ascertain their teachings and relevance to this application.

I. INTRODUCTION

This lawsuit was initiated on November 15, 2004, when Plaintiffs Tyco Healthcare Group LP, Mallinckrodt Inc. and Liebel-Flarsheim Company (“Tyco”) filed a declaratory judgment action against Medrad. In its Complaint, Tyco et al. alleged that the ‘718 patent is invalid, unenforceable and the claims of the ‘718 are not infringed. Medrad subsequently answered and counterclaimed, alleging infringement by Tyco of Medrad’s ‘718 and ‘537 patents, as well as, adding the ‘205, ‘913, ‘634 and ‘657 patents to the case.

In the Ohio Litigation, the parties have filed numerous documents with the court and served numerous documents on each other to support their positions and to rebut the allegations presented by the opposing party. To comply with 37 CFR §1.56, §1.97, and §1.98, citations of the Tyco et al.’s Complaint, as well as other litigation documents exchanges by Tyco et al. and Medrad in the Ohio Litigation before and on May 26, 2005 were included in an IDS filed on September 6, 2005. However, the following litigation documents exchanged by Tyco et al. and Medrad, after May 26, 2005 and since the filing of the September 6, 2005 IDS, are listed on the attached Form PTO-1449, and copies of each document are enclosed herewith.

- 1) Tyco’s Preliminary Invalidity Contentions filed June 15, 2005
- 2) Tyco’s Response to Medrad, Inc.’s Second Set of Requests for Production of Documents and Things filed July 26, 2005

In re Application of: Zatezalo et al.

Serial No.: 10/698,047

Filing Date: October 30, 2003

Supplemental IDS

- 3) Defendant Medrad, Inc.'s Brief in Reply to Plaintiff's Response to Medrad, Inc.'s Motion for Leave to File a Second Amended Answer and Counterclaims, filed July 28, 2005
- 4) Order Granting Defendant's Motion for Leave to File a Second Amended Answer and Counterclaim; Amending Case Management and Scheduling Order filed December 9, 2005.
- 5) Defendant Medrad, Inc.'s Second Amended Answer and Counterclaims, filed January 5, 2006.
- 6) Plaintiffs Tyco Healthcare Group LP's, Mallinckrodt Inc.'s, and Liebel-Flarsheim Company's Reply to Defendant's Second Amended Counterclaims, filed January 27, 2006.
- 7) Defendant Medrad, Inc.'s Second Disclosure of Preliminary Infringement Contentions filed February 3, 2006.
- 8) Medrad, Inc.'s Reply to Plaintiffs' Counterclaims, filed February 16, 2006.
- 9) Medrad Inc.'s Responses and Objections to Plaintiffs' Second Set of Requests for Production of Documents to Defendant, filed February 21, 2006.
- 10) Medrad, Inc.'s Responses to Plaintiffs' Second Set of Interrogatories Nos. 9-14 to Defendant, filed February 21, 2006.
- 11) Plaintiffs Tyco Healthcare Group LP's, Mallinckrodt Inc.'s, and Liebel-Flarsheim Company's, Response to Medrad, Inc.'s Third Set of Requests for Production of Documents and Things (Nos. 48-62), filed February 27, 2006.
- 12) Plaintiffs Tyco Healthcare Group LP's, Mallinckrodt Inc.'s, and Liebel-Flarsheim Company's Responses to Medrad, Inc.'s Second Set of Interrogatories (Nos. 10-15), filed February 27, 2006.
- 13) Plaintiffs Tyco Healthcare Group LP's, Mallinckrodt Inc.'s, and Liebel-Flarsheim Company's Supplemental Preliminary Invalidity Contentions, filed March 3, 2006

In re Application of: Zatezalo et al.

Serial No.: 10/698,047

Filing Date: October 30, 2003

Supplemental IDS

- 14) Defendant Medrad Inc.'s Responses and Objections to Plaintiffs' Third Set of Requests for Production of Documents to Defendant, filed March 20, 2006.
- 15) Medrad Inc.'s Responses and Objections to Plaintiffs' Fourth Set of Requests for Production of Documents to Defendant, filed March 22, 2006.
- 16) Defendant Medrad Inc.'s Second Supplemental Disclosure of Preliminary Infringement Contentions, filed March 24, 2006.
- 17) Plaintiffs Tyco Healthcare Group LP's, Mallinckrodt Inc.'s, and Liebel-Flarsheim Company's Responses to Medrad Inc.'s Fourth set of Requests for Production of Documents and Things (nos. 63-80), filed March 24, 2006.
- 18) [Plaintiffs]Claim Terms to be Construed, filed April 10, 2006
- 19) Defendant Medrad Inc.'s Proposed List of Claims Terms to be Construed, filed April 10, 2006.
- 20) Medrad Inc.'s Responses and Objections to Plaintiffs Fifth Set of Requests for Production of Documents to Defendant, filed April 27, 2006.
- 21) Medrad, Inc.'s Witness List, filed May 31, 2006.
- 22) Medrad, Inc.'s Amended Initial Disclosures, filed May 31, 2006.
- 23) Tyco's Witness List, filed June 1, 2006.
- 24) Joint Claim Construction and Prehearing Statement (including Medrad's Brief on Claim Construction and Tyco's Brief on Claim Construction), filed June 8, 2006.
- 25) Plaintiffs Tyco Healthcare Group LP's, Mallinckrodt Inc.'s, and Liebel-Flarsheim Company's Responses to Medrad Inc.'s Third Set of Interrogatories (Nos. 16-18), filed June 8, 2006.
- 26) Plaintiffs Tyco Healthcare Group LP's, Mallinckrodt Inc.'s, and Liebel-Flarsheim Company's Amended Responses to Medrad, Inc.'s Third Set of Interrogatories (Nos. 16-18), filed June 16, 2006.

In re Application of: Zatezalo et al.
Serial No.: 10/698,047
Filing Date: October 30, 2003
Supplemental IDS

- 27) Plaintiffs Tyco Healthcare Group LP's, Mallinckrodt Inc.'s, and Liebel-Flarsheim Company's Supplemental Response to Medrad, Inc.'s Interrogatories (Nos. 5-7), filed August 14, 2006.

A brief description of each document follows:

On June 15, 2005, Plaintiffs filed their preliminary invalidity contentions, stating that each of the '537, the '718 and the '657 are invalid for a variety of reasons. For example, Plaintiffs argued the '718 and the '537 are invalid in view of the Sonic Shot 50 MR Injector by Nemoto (Japan). Another example is that the Plaintiffs argued the '657 is invalid in view of the Angiomat 6000 sold by Liebel-Flarsheim.

On July 26, 2005 Plaintiffs supplied their Response to Medrad's Second Set of Requests for Production of Documents and Things. These requests generally related to the accused products, the commercial offer for sale or release of the accused product, the placement of the product with third-parties, and the prior art asserted in Plaintiffs' preliminary infringement contentions.

On July 28, 2005 Defendant Medrad submitted a Brief in Reply to Plaintiffs' Response to Medrad's Motion for Leave to File a Second Amended Answer and Counterclaims. On December 9, 2005 the Southern District of Ohio granted Defendant Medrad's Motion for Leave to File a Second Amended Answer and Counterclaim. This Order also included an amended Case Management and Scheduling order. Accordingly, on January 5, 2006, Defendant Medrad filed its Second Amended Answer and Counterclaim, adding infringement counterclaims against U.S. Patent Nos. 6,336,913; 6,676,634; and 6,726,657. Each of these included an allegation of willful infringement.

Plaintiffs then replied to the Second Amended Counterclaims on January 27, 2006. Plaintiffs placed defenses on non-infringement and invalidity. Plaintiffs also counterclaimed for a declaratory judgment of invalidity and non-infringement of U.S. Patent Nos. 6,743,205; 6,336,913; 6,676,634; and 6,726,657.

In re Application of: Zatezalo et al.
Serial No.: 10/698,047
Filing Date: October 30, 2003
Supplemental IDS

On February 3, 2006, Defendant Medrad filed its Second Disclosure of Preliminary Infringement Contentions, where Medrad alleged that Tyco's OptiVantage DH Injector System ("OptiVantage") literally infringes claims 1-4, 15, 17, 20-21, 26-29, 31-32, 34-38, and 56-62 of United States Patent No. 6,643,537 ("the '537 patent"), claims 1, 4, 5, 7, 10, 14, and 22 of United States Patent No. 6,743,205 ("the '205 patent"), claims 16-23, 27, 34-35, 37-44, 57-65, 67-68, and 72-78 of United States Patent No. 6,339,718 ("the '718 patent"), claims 1-4 of United States Patent No. 6,336,913 ("the '913 patent"), claims 1-4, 6-9, 14-18, 20-21, and 26 of United States Patent No. 6,676,634 ("the '634 patent"), and claims 26-35 of United States Patent No. 6,726,657 ("the '657 patent"), as well as alleging that the OptiVantage infringes the claim(s) under the Doctrine of Equivalents. Medrad also asserted the relevant priority dates for each patent. Finally Medrad asserted that its Stellant CT Injection System practices all of the asserted claims of the '537, '718, '205, '913, '634 and '657 patents and the Spectris Solaris MR Injection System practices all of the asserted claims of the '537, '205, '718, '913, '634 and '657 patents.

On February 16, 2006, Defendant Medrad replied to Plaintiffs' Counterclaims, denying each, and praying for the relief of dismissal of Plaintiffs' Complaint, that the patents be found to be valid and infringed, and that such infringement was willful.

On February 21, 2006, Defendant Medrad provided Responses and Objections to Plaintiffs' Second Set of Requests for Production of Documents to Defendant. These requests related generally to prior art and/or other indications of invalidity, the prosecution histories, the design of the accused products in-suit, infringement charts, infringement contentions, damages with respect to the Medrad's products, market studies, business plans and customers. Also on February 21, 2006, Defendant Medrad responded to Plaintiffs' Second Set of Interrogatories Nos. (9-14) to Defendant. These interrogatories included infringement contentions, the accused products, Medrad's products, potential prior art, contentions of objective indicia of non-obviousness and damages.

On February 27, 2006, Plaintiffs responded to Medrad's Third Set of Requests for Production of Documents and Things (Nos. 48-62). These requests generally involved the validity and scope of the patents-in-suit, alleged prior art, comparison of the patents-in-suit with the accused product, changes to the accused product to avoid infringement, notice of the patents-

In re Application of: Zatezalo et al.

Serial No.: 10/698,047

Filing Date: October 30, 2003

Supplemental IDS

in-suit, non-infringement contentions, sales and profits with respect to the accused products, comparable licenses or agreements, documents related to the Sonic Shot (a similar product), and purchasing incentive programs.

Also on February 27, 2006, Plaintiffs also responded to Medrad's Second Set of Interrogatories (Nos. 10-15). These interrogatories generally related to damages, notice of the patents, non-infringement contentions, invalidity contentions, alleged prior art and inequitable conduct allegations.

On March 3, 2006, Plaintiffs provided Supplemental Preliminary Invalidity Contentions. Plaintiffs allege the '718 is invalid, at least, in light of the Sonic Shot and the Injektron, both other injector apparatus sold by third-parties. Plaintiffs allege the '205 is invalid, at least, in light of Reilly, U.S. Patent No. 5,520,653, Yamamoto, U.S. Patent No. 6,312,410 and Japanese Publication No. 9-122234. Plaintiffs allege the '913 is invalid, at least, in light of Yamamoto, U.S. Patent No. 6,312,410, the Angiomat 6000 injector, the CT-9000 injector, U.S. Patent No. 5,662,612 and Kleinman U.S. Patent No. 3,964,139. Plaintiffs allege the '634 is invalid, at least, in light of Yamamoto U.S. Patent No. 6,312, 410, the Angiomat 6000 injector, the CT-9000 injector, U.S. Patent No. 5,662,612 and Kleinman U.S. Patent No. 3,964,139. Finally, Plaintiffs allege the '657 is invalid, at least, in light of Reilly, U.S. Patent No. 5,520,653.

On March 20, 2006, Defendant Medrad provided a Second Supplemental Disclosure of Preliminary Infringement Contentions, adding that Medrad's Vistron CT Injection System practices all of the asserted claims of the '913 and '634. Also on March 20, 2006, Defendant Medrad served its Responses and Objections to Plaintiffs' Fourth Set of Requests for Production of Documents to Defendant. These requests had generally related to Medrad's contrast purchasing program, Medrad's discount, rebate, or otherwise reduced price program and Medrad's understanding of any similar programs on the part of Plaintiffs.

On March 22, 2006, Medrad provided its Responses and Objections to Plaintiffs' Fourth Set of Requests for Production of Documents to Defendant. These requests generally related to U.S. Patent No. 6,312,410, Japanese Patent Application No. 7-282129, Japanese Publication 9-122234, correspondence between Medrad, Yamamoto and/or agents of Sugan Co., Ltd.,

documents related to Yamamoto and/or agents of Sugen Co., Ltd., and documents relating to the inventorship of the '913 and the '634 patents.

On March 24, 2006, Medrad submitted Second Supplemental Disclosure of Preliminary Infringement Contentions, and Plaintiffs also provided their Response to Medrad's Fourth Set of Requests for Production of Documents and Things (Nos. 63-80). These requests generally related to the development of the accused product and any alternatives, the manufacture and production of the accused products, the structure and function of the accused products, any patent applications related to the accused products, any competing products and documents which accompany or describe the accused products.

On April 10, 2006, the parties exchanged the terms they believed needed to be construed. On April 27, 2006, Defendant Medrad provided its Response and Objections to Plaintiffs Fifth Set of Requests for Product of Documents to Defendant. These requests generally related to documents concerning the Sonic Shot injector, the Injektron, the AS200 and AS400 (all other injectors in the same market as the products in-suit).

On May 31, 2006, Defendant Medrad produced its initial version of the Medrad Witness List, which included 36 potential witnesses. On the same day, Medrad produced its Amended Initial Disclosures, adding approximately 25 witnesses. On June 1, 2006, Plaintiffs responded with their own witness list.

On June 8, 2006, the parties filed a Joint Claim Construction and Prehearing Statement, which included as attachments each parties' brief on claim construction. In the briefs the parties addressed common issues associated with claim construction – the means plus function rule, prosecution history disclaimer, the use of extrinsic evidence and the like. Also on June 8, 2006, the Plaintiffs provided their Responses to Medrad's Third Set of Interrogatories (Nos. 16-18). These interrogatories had generally related to the prior art allegations with respect to the Injektron and the Sonic Shot 50, as well as any changes to the accused product from the time of prototype to the present. On June 16, 2006, Plaintiffs amended those responses.

On August 14, 2006, Plaintiffs provided a Supplemental Response to Medrad's Interrogatories Nos. 5-7. In this supplement, Plaintiffs included non-infringement charts for the '718, '537 and '205 patents, invalidity contentions and adding alleged prior art references.

In re Application of: Zatezalo et al.
Serial No.: 10/698,047
Filing Date: October 30, 2003
Supplemental IDS

To further comply with 37 CFR §1.56, §1.97 and §1.98, Applicants herewith also disclose the following documents which Plaintiffs have cited in reference to the issue of validity of the patents-in-suit (See Tyco's Preliminary Invalidity Contentions filed June 15, 2005; Supplemental Preliminary Invalidity Contentions, filed March 3, 2006):

1. August 3, 2006 Letter from Robert Chambers to Robert Walters re: §102 prior art and attachments.
2. Injektron 82 MRT User Instructions March 10, 1999
3. Technischer Bericht December 8, 1997
4. Injektron 82 MRT [User Manual] October 1997
5. Spectris MR Injector Operation Manual (Medrad waives the confidentiality for this document)
6. Nemoto Sonic Shot 5.0 Operation Manual (copy not submitted - permission from opposing counsel not granted) ¹
7. U.S. Patent No. 5,569,181
8. U.S. Patent No. 6,368,307
9. U.S. Patent No. 5,662,612
10. U.S. Patent No. 5,520,653
11. U.S. Patent No. 6,312,410
12. U.S. Patent No. 3,964,139
13. U.S. Patent No. 5,865,805
14. U.S. Patent No. 5,913,844
15. U.S. Patent No. 5,553,619

¹ A copy of this document is not included with the attached materials because this document was received from opposing counsel during discovery, and is marked "Confidential - Attorneys Eyes Only." We have asked permission to submit the document to the PTO for the purposes of this IDS. However, opposing counsel has yet to agree to the disclosure. If permission is obtained, a copy of this document will be submitted accordingly.

In re Application of: Zatezalo et al.
Serial No.: 10/698,047
Filing Date: October 30, 2003
Supplemental IDS

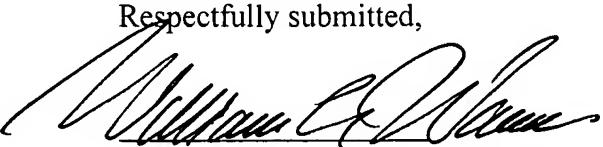
16. U.S. Patent No. 5,662,612
17. Japanese Publication No. 9-122234

Applicants believe that certain of the alleged prior art references are not or may not be prior art to the application, and therefore reserve the right to assert that one or more of the references is not prior art to this application. Moreover, Applicants believe they can successfully swear behind many, if not all, of the Section 102 (a) and (e) references based on prior conception and/or reduction to practice.

Nevertheless, Applicants would like the Examiner to at least initially consider the subject matter disclosed in the relevant references vis-à-vis the pending claims because Applicants believe the claims will define over the references.

This Information Disclosure Statement is being filed before a first Office Action on the merit, and therefore, no fee is required under 37 C.F.R. 1.17 (p) for consideration of this Information Disclosure Statement. The Examiner is respectfully requested to initial copies of the attached Form PTO-1449 to show consideration of the references, and to return the initiated forms to the undersigned counsel.

Respectfully submitted,



William L. Warren
Reg. No. 36,714

SUTHERLAND ASBILL & BRENNAN LLP
999 Peachtree Street, NE
Atlanta, Georgia 30309-3996
Phone: 404.853.8000
Fax: 404.853.8806
Attorney Docket No.: 23578-0009

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known			
Sheet	1	of	3	Application Number	10/698,047		
				Filing Date	October 30, 2003		
				First Named Inventor	Zatezalo et al.		
				Art Unit	3737		
				Examiner Name	Jennifer A. Horwat		
				Attorney Docket Number	23578-0009		
U. S. PATENT DOCUMENTS							
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear		
		Number-Kind Code ² (if known)					
	A1	US-					
	A2						
	A3						
FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. ¹	Patent Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear		
		Country Code ³ - Number ⁴ - Kind Code ² (if known)					
	B1						
	B2						
NON PATENT LITERATURE DOCUMENTS							
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the articles (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.				T ²	
	C1	6/15/2005 - Tyco's Preliminary Invalidity Contentions					
	C2	7/26/2005 - Tyco's Response to Medrad, Inc.'s Second Set of Requests for Production of Documents and Things					
	C3	7/28/2005 - Defendant Medrad, Inc.'s Brief in Reply to Plaintiff's Response to Medrad, Inc.'s Motion for Leave to File a Second Amended Answer and Counterclaims					
	C4	12/9/2005 - Order Granting Defendant's Motion for Leave to File a Second Amended Answer and Counterclaim; Amending Case Management and Scheduling Order					
	C5	1/5/2006 - Defendant Medrad, Inc.'s Second Amended Answer and Counterclaims					
	C6	1/27/2006 - Plaintiffs Tyco Healthcare Group LP's, Mallinckrodt Inc.'s, and Liebel-Flarsheim Company's Reply to Defendant's Second Amended Counterclaims					
	C7	2/3/2006 - Defendant Medrad, Inc.'s Second Disclosure of Preliminary Infringement Contentions					
	C8	2/16/2006 - Medrad, Inc.'s Reply to Plaintiffs' Counterclaims					
	C9	2/21/2006 - Medrad Inc.'s Responses and Objections to Plaintiffs' Second Set of Requests for Production of Documents to Defendant					
	C10	2/21/2006 - Medrad, Inc.'s Responses to Plaintiffs' Second Set of Interrogatories Nos. 9-14 to Defendant					
	C11	2/27/2006 - Plaintiffs Tyco Healthcare Group LP's, Mallinckrodt Inc.'s, and Liebel-Flarsheim Company's, Response to Medrad, Inc.'s Third Set of Requests for Production of Documents and Things (Nos. 48-62)					
	C12	2/27/2006 - Plaintiffs Tyco Healthcare Group LP's, Mallinckrodt Inc.'s, and Liebel-Flarsheim Company's Responses to Medrad, Inc.'s Second Set of Interrogatories (Nos. 10-15)					
	C13	3/3/2006 - Plaintiffs Tyco Healthcare Group LP's, Mallinckrodt Inc.'s, and Liebel-Flarsheim Company's Supplemental Preliminary Invalidity Contentions					
	C14	3/20/2006 - Defendant Medrad Inc.'s Responses and Objections to Plaintiffs' Third Set of Requests for Production of Documents to Defendant					
Examiner Signature		Date Considered					

*EXAMINER: Initial if references considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.

³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-766-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<p>Substitute for form 1449/PTO</p> <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)</p>				Complete if Known			
				Application Number		10/698,047	
				Filing Date		October 30, 2003	
				First Named Inventor		Zatezalo et al.	
				Art Unit		3737	
				Examiner Name		Jennifer A. Horwat	
Sheet	2	of	3	Attorney Docket Number	23578-0009		
U. S. PATENT DOCUMENTS							
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear		
		Number-Kind Code ² (if known)					
	A1	US-					
	A2						
	A3						
FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. ¹	Patent Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear		
		Country Code ³ - Number ⁴ Kind Code ² (if known)					
	B1						
	B2						
NON PATENT LITERATURE DOCUMENTS							
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the articles (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.					
	C15	3/22/2006 - Medrad Inc.'s Responses and Objections to Plaintiffs' Fourth Set of Requests for Production of Documents to Defendant					
	C16	3/24/2006 - Defendant Medrad Inc.'s Second Supplemental Disclosure of Preliminary Infringement Contentions					
	C17	3/24/2006 - Plaintiffs Tyco Healthcare Group LP's, Mallinckrodt Inc.'s, and Liebel-Flarsheim Company's Responses to Medrad Inc.'s Fourthset of Requests for Production of Documents and Things (no.s 63-80)					
	C18	4/10/2006 - Claims Terms to be Construed					
	C19	4/10/2006 - Defendant Medrad Inc.'s Proposed List of Claims Terms to be Construed					
	C20	4/27/2006 - Medrad Inc.'s Responses and Objections to Plaintiffs Fifth Set of Requests for Production of Documents to Defendant					
	C21	5/31/2006 - Medrad, Inc.'s Witness List					
	C22	5/31/2006 - Medrad, Inc.'s Amended Initial Disclosures					
	C23	6/1/2006 - Tyco's Witness List					
	C24	6/8/2006 - Joint Claim Construction and Prehearing Statement (including Medrad's Brief on Claim Construction and Tyco's Brief on Claim Construction)					
	C25	6/8/2006 - Plaintiffs Tyco Healthcare Group LP's, Mallinckrodt Inc.'s, and Liebel-Flarsheim Company's Responses to Medrad Inc.'s Third Set of Interrogatories (Nos. 16-18)					
	C26	6/16/2006 - Plaintiffs Tyco Healthcare Group LP's, Mallinckrodt Inc.'s, and Liebel-Flarsheim Company's Amended Responses to Medrad, Inc.'s Third Set of Interrogatories (Nos. 16-18)					
	C27	8/14/2006 - Plaintiffs Tyco Healthcare Group LP's, Mallinckrodt Inc.'s, and Liebel-Flarsheim Company's Supplemental Response to Medrad, Inc.'s Interrogatories (Nos. 5-7)					
	C28						
Examiner Signature				Date Considered			

*EXAMINER: Initial if references considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.

³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
Sheet	3	of	3	Application Number	10/698,047
				Filing Date	October 30, 2003
				First Named Inventor	Zatezalo et al.
				Art Unit	3737
				Examiner Name	Jennifer A. Horwat
				Attorney Docket Number	23578-0009
U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	A1	US-3,964,139	06/22/1976	Kleinmann et al.	
	A2	US-5,520,653	05/28/1996	Reilly et al.	
	A3	US-5,553,619	09/10/1996	Prince	
	A4	US-5,569,181	10/29/1996	Heilman et al.	
	A5	US-5,662,612	09/02/1997	Niehoff	
	A6	US-5,865,805	02/02/1999	Ziemba	
	A7	US-5,913,844	06/22/1999	Ziemba et al.	
	A8	US-6,312,410	11/06/2001	Yamamoto	
	A9	US-6,368,307	04/09/2002	Ziemba et al.	
FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Patent Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear
		Country Code ³ Number ⁴ Kind Code ² (if known)			
	B1	JP 9-122234	05/13/1997	Suugan KK	
	B2				
NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the articles (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.			
	C29	August 3, 2006 Letter from Robert Chambers to Robert Walters regarding § 102 prior art and attachments			
	C30	Injektron 82 MRT User Instructions March 10, 1999			
	C31	Technischer Bericht December 8, 1997			
	C32	Injektron 82 MRT [User Manual] October 1997			
	C33	Spectris MR Injector Operation Manual (Medrad waives the confidentiality for this document)			
	C34				
	C35				
	C36				
	C37				
	C38				
Examiner Signature		Date Considered			

*EXAMINER: Initial if references considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.

³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.